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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,989	07/25/2003	Chris A. Barone	6579-125	4156
49698	7590	12/05/2006	EXAMINER	
MICHAUD-DUFFY GROUP LLP 306 INDUSTRIAL PARK ROAD SUITE 206 MIDDLETOWN, CT 06457			HUSON, MONICA ANNE	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/626,989

Applicant(s)

BARONÉ ET AL.

Examiner

Monica A. Huson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5-16 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-16 and 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This office action is in response to the Amendment filed 27 September 2006.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-8, 11, 19-20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad, Jr. et al. (U.S. Patent 5,079,839), in view of Sorensen et al. (U.S. Patent 5,030,406), further in view of Yin et al. (U.S. Patent 5,711,076). Regarding Claim 1, Conrad, Jr. et al., hereafter "Conrad, Jr.," show that it is known to carry out a method for producing a shaving cartridge (Abstract), comprising the steps of forming a base having features for attaching the shaving aid cartridge to a razor assembly (Column 2, lines 43-44); and sequentially forming a shaving body attached to the base during the forming of the shaving body (Column 2, lines 38-42), wherein the base comprises a thermoplastic material (Column 2, lines 43-44). Conrad, Jr. does not show a specific insert molding process. Sorensen shows that it is known to carry out a method including forming in a first mold an element having desired features, the first mold including a base portion and a common portion (Figure 1, element 16, 24, 11); engaging the common portion of the first mold with another desired element portion to collectively form a closed second mold, the common portion containing the previously-molded element (Figure 3, element 16, 24, 12); and forming in the second mold a desired element attached to the

previously formed element (Figure 3, element 30). Sorensen and Conrad, Jr. are combinable because they are concerned with a similar technical field, namely, methods of sequential injection molding of composite articles. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Sorensen's specific insert molding process to mold Conrad, Jr.'s article in order to most efficiently handle the two molding materials. Conrad, Jr. does not show a shaving aid body that comprises a soap material. Yin et al., hereafter "Yin," show that it is known to carry out a method for making a shaving aid cartridge wherein the shaving aid body comprises astringents, medicinal agents, and conditioning agents (Column 4, lines 49-56; It is noted that the astringents, medicinal agents, and conditioning agents are considered to be soap materials). Yin and Conrad, Jr. are combinable because they are concerned with a similar technical field, namely, methods of making shaving aids. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Yin's soap material in Conrad, Jr.'s molding method in order to make a shaving aid that accomplishes two purposes (i.e. shaving and cleaning) at once.

Regarding Claim 5, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not specifically show using two molds. Sorensen shows that it is known to carry out a method including a method wherein the step of forming of the desired element comprises the step of injecting an appropriate material in a flowable form into the closed second mold (Figure 3, element 30, 14). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Sorensen's specific insert molding process to mold Conrad, Jr.'s article in order to most efficiently handle the two molding materials.

Regarding Claim 6, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claims 1 and 5 above, including a method wherein the formed base includes features for receiving the shaving aid material, and

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wherein when the shaving aid material solidifies, the features preventing separation of the shaving aid body and the formed base (Figures 5-6), meeting applicant's claim.

Regarding Claim 7, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claim 6 above, including a method wherein the features include protrusions (Figure 5-6), meeting applicant's claim.

Regarding Claim 8, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claim 1 above, including a method wherein the step of forming the base comprises the steps of mixing a thermoplastic material in a mixer at a first temperature and injecting a thermoplastic material into a first mold (Column 2, lines 43-44; It is noted that it is inherent that the molding material must be mixed at an appropriate temperature prior to the injection.), meeting applicant's claim.

Regarding Claim 11, Conrad, Jr. shows that it is known to carry out a method for [producing a] shaving aid cartridge (Abstract) comprising the steps of injecting a thermoplastic material into a closed first mold to form a base (Column 2, lines 43-44); injecting a shaving aid material into the second mold to form a shaving aid body (Column 2, lines 38-42; Column 3, lines 38-42); and removing the shaving aid cartridge that includes the base coupled to the shaving aid body from the mold (Column 3, lines 38-42). Conrad, Jr. does not show using two molds for his sequential injection molding. Sorensen shows that it is known to carry out a method including using a first mold to form the base, the first mold including a base portion and a common portion (Figure 1, element 16, 11, 24) and engaging the common portion of the first mold with a shaving aid body portion to form a closed second mold, wherein the base remains with the common portion and is disposed within the second mold (Figure 3, element 16, 24, 12). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Sorensen's second mold during Conrad, Jr.'s process in order to increase the rate of

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production (i.e. while the shaving aid is being molded into the second mold, a base can be being molded in the first mold). Conrad, Jr. does not show a shaving aid body that comprises a soap material. Yin shows that it is known to carry out a method for making a shaving aid cartridge wherein the shaving aid body comprises astringents, medicinal agents, and conditioning agents (Column 4, lines 49-56; It is noted that the astringents, medicinal agents, and conditioning agents are considered to be soap materials). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Yin's soap material in Conrad, Jr.'s molding method in order to make a shaving aid that accomplishes two purposes (i.e. shaving and cleaning) at once.

Regarding Claim 19, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show specific configuration details of his molded article. However, to be entitled to weight in method claims, recited structural limitations must affect the method in a manipulative sense and not amount to mere claiming of a use of a particular structure. *Ex parte Pfeiffer* 135 USPQ 31. Therefore, it is being interpreted that it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use any particular structure during Conrad, Jr.'s molding method in order to form the desired article.

Regarding Claim 20, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claim 8 above, but he does not give specific temperatures for his molding operation. However, it is noted that it is well established that values are critical only when they involve difference in kind rather than in degree. *In re Touvay et al.* 121 USPQ 265. Therefore, it is being interpreted that depending on the specific molding materials, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use the claimed temperature during Conrad, Jr.'s molding process in order to avoid mishandling of the specific molding material.



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Regarding Claim 24, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claim 11 above, but he does not show specific configuration details of his molded article. However, to be entitled to weight in method claims, recited structural limitations must affect the method in a manipulative sense and not amount to mere claiming of a use of a particular structure. *Ex parte Pfeiffer* 135 USPQ 31. Therefore, it is being interpreted that it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use any particular structure during Conrad, Jr.'s molding method in order to form the desired article.

Claims 9-10, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad, Jr., Sorensen, and Yin, in view of Vreeland et al. (U.S. Patent 5,345,680).

Regarding Claim 9, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claims 1 and 8 above, but he does not specifically show using a second mold for the injection of the shaving aid material. Vreeland et al., hereafter "Vreeland," show that it is known to carry out a method for making a shaving article comprising the steps of mixing shaving aid raw material in a mixer at a temperature range to provide a flowable shaving aid material form (Column 4, lines 1-3; It is noted that it is inherent that the molding material must be mixed at an appropriate temperature prior to the injection.); and injecting the shaving aid material in the flowable form into the second mold (Column 4, lines 3-5). Vreeland and Conrad, Jr. are combinable because they are concerned with a similar technical field, namely, methods of making shaving articles. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Vreeland's second mold during Conrad, Jr.'s process in order to increase the rate of production (i.e. while the shaving aid is being molded into the second mold, a base can be being molded in the first mold).

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Regarding Claim 10, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claim 9 above, including a method further comprising the step of cooling the shaving aid material to maintain the flowable material within the temperature range (Column 5, lines 3-9, 39-43), meeting applicant's claim.

Regarding Claim 14, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claim 11 above, but he does not show using a common portion between two molds. Vreeland shows that it is known in the prior art to carry out a method wherein the common portion includes voids shaped to form features operable to attach the shaving aid cartridge to a razor assembly (Column 1, lines 16-22). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Vreeland's teaching of attaching features in Conrad, Jr.'s molding process in order to ensure proper adherence between the firstly-molded base and the secondly-molded erodable material.

Regarding Claim 21, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claim 9 above, but he does not give specific temperatures for his molding operation. However, it is noted that it is well established that values are critical only when they involve difference in kind rather than in degree. *In re Touvay et al.* 121 USPQ 265. Therefore, it is being interpreted that depending on the specific molding materials, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use the claimed temperature during Conrad, Jr.'s molding process in order to avoid mishandling of the specific molding material.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad, Jr., Sorensen, and Yin, in view of Brown (U.S. Patent 6,852,262).



Regarding Claim 12, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claim 11 above, but he does not show cooling a second mold. Brown shows that it is known to carry out a method of making a shaving article comprising the step of cooling at least a portion of a second mold (Column 3, lines 16-25; Column 8, lines 4-10). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Brown's cooling step in Conrad, Jr.'s molding process in order to expedite the time required before article ejection (and thus, expedite the entire molding cycle time).

Regarding Claim 13, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claim 11 above, but he does not show cooling a second mold to a temperature below a solidification temperature of the shaving material. Brown shows that it is known to carry out a method of making a shaving article comprising the step of cooling at least a portion of a second mold (Column 3, lines 16-25; Column 8, lines 4-10; It is noted that if the mold was not cooled to a temperature below the solidification temperature of the shaving aid material, the shaving aid material would not solidify.). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Brown's cooling step in Conrad, Jr.'s molding process in order to expedite the time required before article ejection (and thus, expedite the entire molding cycle time).

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad, Jr., Sorensen, and Yin, in view of Vreeland, further in view of Reischl (U.S. Patent 4,595,709).

Regarding Claim 15, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claims 11 and 14 above, but he does not specifically show using a screw type mixer. Reischl shows that it is known to carry out a process for molding thermoplastic articles wherein the material is

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processed into a flowable state using a screw type mixer (Column 3, lines 23-40). Reischl and Conrad, Jr. are combinable because they are concerned with a similar technical field, namely, methods of making plastic articles. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Reischl's screw type mixer during Conrad, Jr.'s molding process in order to product articles having unexpectedly good mechanical properties.

Regarding Claim 16, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claims 11, 14, and 15 above, but he does not show using a cooled screw type mixer. Reischl shows that it is known to carry out a process wherein at least a portion of the screw type mixer is cooled during the processing of the material (Column 4, lines 7-10). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Reischl's cooled screw type mixer during Conrad, Jr.'s molding process in order to ensure proper material processing.

Claims 22, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad, Jr., Sorensen, and Yin, in view of Vreeland, further in view of Brams (U.S. Patent 5,788,995).

Regarding Claim 22, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claim 9 above, but he does not show heating passages in a second mold. Brams shows that it is known to carry out a method further comprising the step of heating passages that distribute the flowable molding material to the closed second mold to maintain the flowable molding material within the temperature range (Column 2, lines 51-58). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Brams' heating passages during Conrad, Jr.'s molding process in order to avoid mishandling of the specific molding material.

Regarding Claim 23, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claim 9 above, but he does not show cooling in the second mold. Brams shows that it is known to carry out a method further comprising the step of cooling at least a portion of the second molded section in the second mold that provides a contour to the second molded section (Column 3, lines 41-44). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Brams' cooling elements during Conrad, Jr.'s molding process in order to avoid mishandling of the specific molding material.

Regarding Claim 25, Conrad, Jr. shows the process as claimed as discussed in the rejection of Claim 24 above, but he does not show cooling in the first mold. Sorensen shows that it is known to carry out a method further comprising the step of cooling at least the first molded element (Column 3, lines 41-44). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Brams' cooling elements during Conrad, Jr.'s molding process in order to avoid mishandling of the specific molding material.

### ***Response to Arguments***

Applicant's arguments filed 26 September 2006 have been fully considered but they are not persuasive.

Applicant contends that Yin does not show a shaving aid body that comprises a soap material. This is not persuasive because it is being interpreted that Yin's astringents, medicinal agents, and conditioning agents (see Column 4, lines 49-56) are considered to be soap materials. Therefore, when combined with Conrad, Jr.'s and Sorensen's teachings, it is maintained that the instant invention is suggested in the prior art by Conrad, Jr., Sorensen, and Yin.

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Applicant contends that Sorensen does not suggest the use of a soap material. This is not persuasive because Sorensen was not cited to teach this limitation.

With regard to the other rejections of the previous office action, applicant contends that the various references do not correct the alleged deficiencies of Conrad, Jr., Sorensen, and Yin. This is not persuasive for reasons outlined above.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A. Huson whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Monica A Huson

November 28, 2006



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12/1/06